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Judge Marshall D. Tichman

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

United States District Court
Western District of Washington
At Seattle

United States of America,

Plaintiff,

v.

Keith D. Gilbert,

Defendant.

No: CR 05-0071 P

MOTION

Parties: Defendant; Keith D. Gilbert
in pro per

9321 Renton Ave. S.

Seattle, Washington 98118

Telephone: (206) 328-5301

Email: kdgilbert1147@yahoo.com

Plaintiff: U.S. Attorney
U.S. Department of Justice

James Elliott
Federal Bureau of Investigation
with; Alcohol, Tobacco
Tax and Firearms
1110 3rd Ave.
Seattle, WA 98101
(206) 571-6542

Motion To Disclose and Compell
Discovery, and, Proposed ORDER
For The Return of A Personal Property
All To be First Catalogues and Identified

Comes now Keith D Gilbert in prose,
Defendant in the above entitled
cause and in accordance with The
Federal Rules of Criminal Procedures;
Federal Rules of Civil Procedures;
"Local Rules of The Court; and all U.S.
Laws and Statutes That apply herein
with The Constitution of The United
States of America and Washington
State Laws and codes and Moves
The Court to issue its' order, attached!

Regarding

The Arrest and Search warrant
executed at: 1408 N. E. 65th ST,
Seattle, Washington 98115
on or about the 15th day of
February, 2005, By This Court

Introduction

This Motion is based upon events that occurred on or about 2002 through 2005 at the above address which today are and represent a Denial of Due Process Procedures and Protections which is continuing and ongoing to the present day to Defendant, his Heirs and Estate,

Further: The Court is advised that Defendant Keith P. Gilbert, Movant herein in pro per, has fulfilled all obligations to the Court by: paying an imposed fine; serving the prison sentence imposed upon him by This Court; and completed all probation and parole obligations,

All of which was fulfilled and completed without a single Disciplinary Infraction or write up.

Subsequent to a previous motion to this court, included fully herein by reference, and based on a partial inventory provided to Defendant some property in the form of firearms, etc, was returned by delivering the same to an uninvolved third party:

Kenneth J. Henderson
5230 S. Rose St
Seattle, WA 98118
(206) 427-9508

Defendant was again contacted in 2015 by Special Agent:

James Elliott
Federal Bureau of Investigation
1110-3rd Ave.
Seattle, Washington 98101
(206) 571-6542

And again on August 24th, 2015, to arrange for me to pick up some of my property, but not all and on August 25th at 12:00pm, he did deliver to me a large box contain in some miscellaneous property all well cared for and in condition was properly stored.

However, in my conversation with Special Agent James Elliott on August 24th he advised me that the FBI still held over 200 guns that would not be accounted for or returned to Defendants or a 3rd party on Defendants behalf. I expressed my concerns and was advised that nothing could be done based on Departmental Rules says a court order to do otherwise.

Special Agent James Elliott also advised me that many things that are otherwise legal but were frowned upon by his Department would also be destroyed; including but not limited to firearms magazines, ammunition parts kits, non-guns, etc.

Many Books, Personal Papers and photographs, flintlock guns, obsolete but siezed weapons of collector value, as well as Parts and mementos.

None of This siezure which was not included on The warrant was ordered by The Court, it was lawfully owned property, siezed but not part of any Court ordered punishment, and exceeded the scope and intent of The Warrant.

It appears to Defendant That The above acts, actions and omissions raises a question of Law and Fact Common to a class and indicating a class interest herein. Armed Citizens.

Some of The property contained in and covered by This motion was taken from apartments at 1408 NE. 65th St. other Than Defendants Including That of Kenneth J. Henderson (2nd floor) and, Yashu Gilbert, son, (3rd floor), Theorizing The

residences as one house though they had separately identified entry doors.

The expressed intentions of Plaintiff to destroy the property that was seized but not inventoried or otherwise accounted for, supra, as expressed by Special Agent James Elliott, supra, rises to the level of being a malicious and punitive punishment of Defendant under color of official right for the purpose of further impoverishing Defendant and Defendant's estate, outside the scope and bounds of the Warrant, supra, or for any reasonable or legitimate law enforcement purpose.

The actions of Plaintiff in executing the warrant, supra, were taken in a manner was willful, exceeding the authority of the warrant by executing the warrant with unnecessary severity with the further purpose of a "fishing" expedition as later shown in court when irrelevant items were excluded.

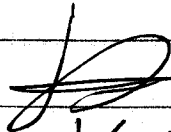
These acts, actions and omissions complained of herein were done deliberately to Defendant and not through ignorance, mistake or accident, nor was Defendant afforded an opportunity to "properly" identify, mark or serial number those firearms now factored or otherwise assembled by Defendant.

Relief Requested

Defendant moves the Court to issue the proposed Order, attached, and rule that the claims, defenses and other legal contentions raised herein by Defendant are warranted by existing law or by new, frivolous argument for extending, modifying, or reversing existing law or for establishing new law. The factual contentions have evidentiary support if specifically so identified, or will likely have evidentiary support after reasonable opportunity for further investigation or discovery.

And for such other relief
The Court may deem just and
reasonable, and appropriate

Dated this 14th day of September,
2015, and based upon information
and belief this motion is subscribed
to and affirmed by:

by: 

Keith D. Gilbert
Defendant in prose
9321 Renton Ave. S.
Seattle, WA 98118

telephone: (206) 328-5301

E-mail: kdgilbert1147@yahoo.com